UNITED
NATIONS

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General Assembly Security Council

Distr.
GENERAL

A/46/713
S/23256
2 December 1991
ENGLISH
ORIGINAL: ENGLISH/
SPANISH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 31
THE SITUATION IN CENTRAL AMERICA:
THREATS TO INTERNATIONAL PEACE AND
SECURITY AND PEACE INITIATIVES

SECURITY COUNCIL
Forty-sixth year

Report of the Secretary-General

1. The present report is submitted pursuant to Security Council resolution 637 (1989) and General Assembly resolution 45/15 of 20 November 1990.

El Salvador

2. Since my last report, dated 8 November 1990 (A/45/706-S/21931), steady progress has been made in the negotiations on El Salvador. On 31 October last year the parties agreed that a more active role should be played by my Personal Representative. This was deemed necessary in view of the inability of the parties, in two successive rounds of talks held in Costa Rica in August and September, to make progress on the substantive agenda which had been agreed upon in Caracas, Venezuela, in May 1990 (A/46/552-S/23129) and particularly on the question of the armed forces, following the adoption of the San José Agreement on Human Rights on 26 July 1990 (A/44/971-S/21541). The enhanced role requested from my Representative involved putting forward formulae that would be used as the basis for negotiations. My Representative on that same day submitted a working paper on the armed forces that has been the subject of several revisions in the course of negotiations since.

3. From December 1990 through February 1991, my Representative participated in the four rounds of direct talks held between the parties and shuttled frequently between them. Although some cumulative progress was made on the question of the armed forces, the parties were not able to reach a formal agreement on this item. In March 1990, following a proposal to that effect by the Farabundo Martí National Liberation Front (FMLN), the parties agreed to continue negotiations within a concentrated scheme, giving priority to three issues included in the first stage of negotiations: the armed forces, constitutional reforms and cease-fire arrangements.

4. On 4 April 1991, I informed the Security Council (S/22494, annex I) of the above-mentioned development, and I stressed that time was limited for these negotiations as constitutional reforms had to be approved in two consecutive legislatures and had therefore to be submitted before 30 April 1991, which was the closing date of the outgoing Legislature.

5. Following several weeks of protracted negotiations, on 27 April 1991 the Government of El Salvador and the FMLN signed the Mexico Agreements (A/46/553-S/23130) covering a series of constitutional reforms relating, inter alia, to the role of the armed forces and their subordination to civilian authorities, the creation of a National Civil Police separate from the armed forces, the judicial system and human rights, and the electoral system. A number of complementary agreements on these issues, including the need for secondary legislation, were also reached. The parties also agreed to the establishment of a Commission on the Truth, to be composed of three individuals appointed by the Secretary-General after hearing the opinion of the parties. The Commission shall have the task of investigating serious acts of violence that have occurred since 1980, the impact of which on society urgently demands that the public should know the truth. During the April talks in Mexico, considerable ground was covered on the subject of cease-fire arrangements in separate talks with each of the parties held by the Under-Secretary-General for Special Political Affairs, who prepared a working paper that was submitted to the parties.

6. In May and June 1991, two successive rounds of talks proceeded in Caraballeda, Venezuela, and Querétaro, Mexico, within a concentrated framework as agreed in Mexico on 27 April. The aim was to reach, as a matter of priority, a political agreement on the armed forces and the necessary accords for the cessation of the armed confrontation under United Nations verification. In addition to my Personal Representative, the Under-Secretary-General for Special Political Affairs participated in talks on cease-fire arrangements. Although progress was made, particularly on the question of the creation of a National Civil Police, it was not possible to make substantive headway regarding cease-fire arrangements.

7. The talks following the Mexico Agreements evinced a fundamental difficulty in achieving a cease-fire within the two-stage framework laid down in the Geneva and Caracas Agreements, which provided for a cease-fire coupled with continued, open-ended negotiations, the result of which could not be assured. Within this framework, FMLN insisted on the need for cease-fire arrangements which would allow it to preserve its military capability, arrangements which proved unacceptable to the Government.

8. On the occasion of the First Ibero-American Summit held in Guadalajara, Mexico, in July 1991, I met separately with President Cristiani and with the FMLN General Command. I also met with the Presidents of Colombia, Mexico and Venezuela and the President of the Spanish Government - the Friends of the Secretary-General - in order to evaluate the status of the process. At those meetings we discussed, inter alia, the advisability of reviewing the two-phase format of the negotiating process to see whether the negotiations could be

compressed into a single phase in order to establish before a cease-fire the necessary conditions and guarantees for the reintegration of the FMLN members into the country's civilian, institutional and political life within a framework of full legality. At Guadalajara, the four above-mentioned Presidents issued a strong statement in support of the negotiating process and in particular for my own efforts.

9. In connection with and in reply to a joint letter of 1 August 1991 from the Secretary of State of the United States of America and the Minister for Foreign Affairs of the Union of Soviet Socialist Republics, I put to them a number of concrete ideas regarding the critical juncture of the negotiations existing at the time and the way in which they could be of assistance in helping me to break the deadlock in the negotiations (S/22963). I noted that there were fundamental issues that had to be grappled with in order to go beyond the success so far achieved and, specifically, to obtain a cease-fire. These were the subject of my Personal Representative's shuttling between President Cristiani and the FMLN commanders during that period.

10. On 30 August 1991, I informed the members of the Security Council that I had issued invitations to President Cristiani and to the FMLN General Command to visit United Nations Headquarters in New York on 16 and 17 September so that I could consult with them personally to address squarely the question of the guarantees and conditions for the reintegration of the members of FMLN into society, which under the Geneva and Caracas Agreements would only have been taken up during the second, post-cease-fire stage of the negotiations, and thus to give the process new impetus. The consultations, in fact, lasted until 25 September, on which date an agreement, known as the New York Agreement, was signed in my presence by Representatives of the Government of El Salvador and by the General Command of FMLN.

11. It was my firm expectation that the New York Agreement (A/46/502-S/23082) would break the deadlock in the negotiations. The text of the Agreement consists of two parts. It provides for the creation of a National Commission for the Consolidation of Peace (COPAZ) to be composed of two representatives of the Government, two of FMLN and one member of each of the political parties or coalitions currently represented in the Legislative Assembly of El Salvador. The Archbishop of San Salvador and a representative of ONUSAL would participate as observers. The purpose of COPAZ was to oversee and supervise the implementation of all political agreements reached by the parties. COPAZ was conceived as a machinery for the control and participation of Salvadorian civilian society in the process of changes resulting from the negotiations, both in relation to the armed forces as well as to all other matters on the agenda. It was to be a compulsory consultative mechanism for all major decisions affecting the implementation of the agreements, and it would begin formal operation within eight days of the signing of a cease-fire. Its creation was to be sanctioned by law. The Agreement also contains provisions regarding the purification of the armed forces, its doctrine and training system, the establishment of the National Civil Police (NCP) and on economic and social questions. The parties also agreed to a

document entitled "The Compressed Negotiations" (A/46/502/Add.1-S/23082/Add.1, annex), which is an integral part of the New York Agreement and which established that all substantive items would be negotiated and agreed before the cease-fire; that the cease-fire would be of a predetermined duration, short and dynamic; and that no substantive negotiations would take place during the cease-fire, only the implementation of agreements. It also spelled out the substantive items on the agenda that would be negotiated and settled prior to the cease-fire.

12. On 30 September 1991, I informed the Security Council that negotiations would resume on 12 October and that following the New York Agreement, conditions had been established for the opening of the final phase in the negotiations. I suggested that the moment might have come for the parties to the armed confrontation to reach a modus vivendi for the gradual cessation of hostilities. I also suggested that, if accepted, such a modus vivendi might include a simple liaison mechanism consisting in the detachment of United Nations military observers to the command of both parties. In its resolution 714 (1991), the Security Council, inter alia, reaffirmed its strong support for the urgent completion of the peace process, expressed its readiness to support the implementation of a settlement and urged both sides to exercise maximum and continuing restraint, particularly with respect to the civilian population, in order to create the best climate for a successful last stage of the negotiations.

13. In the New York Agreement, the Organization was requested to assist in the implementation of the accords. One such request was to coordinate advisory services and support for the establishment of the National Civil Police. In this context, I sent a group of five experts to El Salvador from 8 to 23 October 1991 in order to formulate recommendations on this matter on the basis of understandings and agreements reached in the course of the negotiations and tailored to the specific needs and idiosyncracies of El Salvador. For this purpose, they conducted interviews with Salvadorian authorities as well as with FMLN representatives and representatives of many sectors of society who would have an interest or particular knowledge in this field. A report containing their conclusions and recommendations on the establishment and functioning of the National Civil Police has been made available to the negotiating parties.

14. The decision reached in New York to create COPAZ had generated intensive activity by the political parties and thus broadened the political base of support for the peace process. The future members of COPAZ have already held several meetings, laying the groundwork to assume the substantive responsibilities which they will have to shoulder, without awaiting the formal establishment of the Commission. I commend these developments.

15. Negotiations took place from 13 to 21 October and from 3 to 16 November 1991 and are currently under way in Mexico on an intensive, virtually uninterrupted basis, with the continued active participation of my Representative. Both sides have repeatedly affirmed their desire to reach agreement as rapidly as possible on the remaining pending issues, which are of

considerable complexity. The FMLN decision to cease offensive operations unilaterally on 16 November was a positive development, as was President Cristiani's rapid, favourable reaction. Armed confrontation appears to have considerably dwindled since then. This is an encouraging development, which cannot but raise the level of confidence of the Salvadorian people in the prospects for a negotiated political solution to the conflict, but which, in the absence of specific agreements and independent monitoring, is inherently fragile. There continue to be in El Salvador groups which, though increasingly isolated, are extremely strident in their opposition to the negotiating process, and which persist in issuing threatening statements against all whom they perceive as supporting it. I am confident, however, that the parties to the negotiations, as well as the Salvadorian body politic and people as a whole, will hold steadfastly to the course they have set themselves, during this final stretch in the negotiations. The strong support of the international community will continue to be needed until a cease-fire is reached and beyond, in the delicate phase of transition to a durable peace.

16. Throughout this process, I and my Personal Representative, Mr. Alvaro de Soto, have continued to work closely with a certain number of Governments in a position to assist in my efforts. I wish to record my sincere appreciation to them, and in particular to those of Colombia, Mexico, Spain and Venezuela, which have provided strong support and encouragement.

Guatemala

17. In my last report, I noted that on 30 March 1990, a delegation of the National Reconciliation Commission of Guatemala, acting with the full support of the Government of the Republic, and a delegation of the Unidad Revolucionaria Nacional Guatemalteca (URNG) had signed at Oslo a "Basic Agreement for the Search for Peace by Political Means", with a view to initiating a process which, by seeking ways to bring about a peaceful solution of the nation's problems, would culminate in the attainment of peace and the enhancement of functional and participatory democracy in Guatemala (see A/45/706-S/21931, paras. 29 and 30). I also mentioned that, pursuant to the Oslo Agreement, five meetings had been held in 1990 between representatives of URNG and representatives of various political, business, religious and social sectors in Guatemala, in the presence of the Conciliator and Chairman of the National Reconciliation Commission and of my appointed Observer. I expressed the hope that the process initiated by the signing of the Oslo Agreement would continue and pave the way for a process of reconciliation and peace in Guatemala.

18. On 26 April 1991 at Mexico City, the Government of Guatemala, whose President, as a result of the elections held in late 1990, was now Mr. Jorge Serrano Elías, and the Unidad Revolucionaria Nacional Guatemalteca (URNG) signed an Agreement on the procedure for the search for peace by political means (A/45/1007-S/22563, annex) in which they agreed to hold talks with the Chairman of the National Reconciliation Commission of Guatemala, Monsignor Rodolfo Quezada Toruño, acting as Conciliator and with the

Representative of the Secretary-General of the United Nations, Mr. Francesc Vendrell, acting as Observer. Under this Agreement, the two parties undertook to conduct a process of negotiation that would permit, in the shortest possible time, the signing of an agreement on a firm and lasting peace which would set out political agreements, how they were to be implemented and executed by the parties and how their fulfilment was to be verified by the United Nations and such other bodies as the parties might designate by mutual agreement. The Government and URNG agreed to hold negotiations through direct meetings between the parties, with the active participation of the Conciliator and in the presence of the Observer, or through indirect meetings through the Conciliator and in the presence of the Observer. The two parties also agreed not to abandon the negotiating process unilaterally and to pursue it without interruption, in accordance with the agreed procedure, until the negotiating agenda was exhausted. In so doing, they undertook to act in good faith in an atmosphere of complete mutual respect and reiterated their express determination to reach political agreements for achieving a firm and lasting peace that would bring the internal armed conflict in Guatemala to an early, definitive end. The Government and URNG undertook to be duly represented in the negotiations by high-level delegates, in order to negotiate and conclude political agreements in accordance with the existing constitutional framework.

19. At the same meeting, held at Mexico City in April with the participation of the Conciliator and my Representative, the Government and URNG signed an Agreement on a general agenda (A/45/1009-S/22573, annex) comprising the following items: democratization, human rights, strengthening of civilian authority and the role of the army in a democratic society, identity and rights of indigenous peoples, constitutional reforms and electoral system, socio-economic aspects, agrarian situation, resettlement of populations uprooted by the armed conflict, bases for bringing URNG into the political life of the country, arrangements for the cease-fire, timetable for the implementation, fulfilment and verification of agreements, signing of the agreement on a firm and lasting peace, and demobilization.

20. After reaching the agreements on procedure and the agenda, the parties held two rounds of direct negotiations on substantive issues at Cuernavaca and Querétaro, Mexico, in June and July respectively. These culminated in the signing at Querétaro on 25 July 1991 of a framework agreement on democratization in the search for peace by political means which is annexed to this report. The parties then held two rounds of talks at Mexico City in September and October 1991 on the item of human rights. Although valuable progress was made at these meetings towards narrowing the differences between the parties, it was agreed at the end of October that the Conciliator and the Observer would hold a series of shuttle meetings with the two parties in order to give greater impetus to the process and to reach substantive agreements on the very important issue of human rights. The Conciliator and my Representative are currently engaged in these meetings, which I hope will bear fruit in the not too distant future. I consider it my duty to point out that, despite the speed with which the two parties agreed to the procedure and the general agenda, the negotiations have not progressed at the desired rate. I

hope that the conclusion of an agreement on specific, verifiable measures in the area of human rights will reinvigorate the process, which I consider vitally important for overcoming the serious problems which Guatemala has faced for so many years.

21. Since the beginning of the year, my Representative has travelled frequently to meet with President Serrano and with URNG commanders. I myself met with President Serrano twice, first at Guadalajara, Mexico, in July 1991 on the occasion of the First Ibero-American Summit and again during President Serrano's recent visit to the United Nations.

United Nations Observer Mission in El Salvador

22. By its resolution 693 (1991), the Security Council, on 20 May 1991, decided to establish under its authority a United Nations Observer Mission in El Salvador (ONUSAL), based on my recommendation (S/22494 and Corr.1 and Add.1). ONUSAL's mandate is to monitor, as an integrated peace-keeping operation subject to approval by the Council, all agreements concluded between the Government of El Salvador and FMLN. ONUSAL's initial mandate, extending up to 30 June 1992, is to verify the compliance by the parties with the San José Agreement on Human Rights (A/44/971-S/21541, annex). ONUSAL became operational on 26 July 1991 and is now firmly established, with its headquarters in San Salvador. It has established four regional offices in San Salvador, San Miguel, San Vicente and Santa Ana and two sub-offices in Chalatenango and Usulután. Its operational teams include human rights observers, legal officers, political officers, police observers and military liaison officers. It has established working contacts with both parties at the political and the operational levels and has received full cooperation from them. ONUSAL's activities and observations have been presented in two reports covering the period up to 30 October 1991 (A/45/1055-S/23037 and A/46/658-S/23222).

United Nations Observer Group for Central America

23. Since last year's report, the Security Council has approved, on three separate occasions, in resolutions 675 (1990) of 5 November 1990, 691 (1991) of 6 May 1991, and 719 (1991) of 6 November 1991, the extension of the mandate of the United Nations Observer Group in Central America (ONUCA) as defined in resolution 644 (1989). The size of ONUCA has been reduced in the meantime to a total number of 132 military observers. The current mandate of ONUCA terminates on 30 April 1992. The Security Council has requested me to report before 6 February 1992, taking account of any developments in the region which indicate that the present size of the Observer Group or its future should be reconsidered.

Security Commission

24. The meetings of the Security Commission, established under Esquipulas II, continued with the participation of officials from the United Nations Secretariat and OAS. The meetings were held at Tegucigalpa, Honduras, on 23 and 24 November 1990, at Managua, Nicaragua, on 12 and 13 April 1991, at Guatemala City, on 19 and 20 September 1991, and at San José, Costa Rica, on 24 and 25 October 1991.

25. At the Tegucigalpa meeting, the Commission dealt with such matters as the model report on weapons inventories, verification of inventories, the question of mines and the disarming of civilians. This work was continued at the Managua meeting, which also dealt with the strengthening of ONUCA. As regards the inventories of weapons, the Commission agreed to postpone consideration of this matter to the next meeting, but little progress was made in Guatemala City on this issue. The Commission did, however, endorse the verification mechanisms that had been elaborated by its Technical Subcommission, which met on several occasions during the year.

26. The Commission held a special meeting in San José to discuss the Security Treaty which had been submitted by Honduras at the Central American Presidents' summit held in El Salvador in July 1991.

ANNEX

Querétaro Agreement

The Government of the Republic of Guatemala, the Unidad Revolucionaria Nacional Guatemalteca (URNG) and the National Reconciliation Commission (CNR), at the close of the meeting on democratization in the search for peace by political means, express their appreciation for the generous hospitality and support shown for the Guatemalan peace process by the Government and people of Mexico during the meeting held in the city of Querétaro from 22 to 25 July, which culminated today in the signing of this historic Agreement.

Querétaro, Mexico, 25 July 1991

Framework Agreement on Democratization in the Search for Peace by Political Means

"Querétaro Agreement"

With the aim of achieving the objectives set forth in the Esquipulas II Agreement of 7 August 1987 and in accordance with the Oslo Agreement of 30 March 1990, the delegations of the Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), having pursued negotiations under the Oslo Agreement with the Chairman of the National Reconciliation Commission, Mr. Rodolfo Quezada Toruño, acting as Conciliator, with the participation of the National Reconciliation Commission (CNR) and with the Representative of the Secretary-General of the United Nations Mr. Francesc Vendrell, acting as Observer, and hereby placing on record the agreements which they have reached on the item "democratization" of the general agenda adopted at Mexico City on 26 April 1991,

CONSIDER THAT:

1. The political forces and the various sectors which make up Guatemalan society have expressed their desire for the achievement of peace, democracy and social justice.

2. The Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) have agreed to pursue a process of negotiations whose final objective is the search for peace by political means, the enhancement of functional and participatory democracy and the laying of foundations on which to build national development and progress, thereby ensuring democratic coexistence and the attainment of the common good.

3. Considering the issue of democratization makes it possible to establish a general framework within which to approach coherently the other items to be discussed in the negotiating process.

4. Guatemala requires measures which ensure the development of political, economic, social and cultural democratization.

The Government of the Republic of Guatemala recognizes its responsibility to implement measures which are in the population's interest and guarantee the country's democratization.

5. The procedures and agreements resulting from the discussion of the general agenda adopted in Mexico are fundamental to the process of enhancing functional and participatory democracy, and the Conciliator should therefore inform the Guatemalan people objectively and fairly about their content.

6. Any political agreements reached by the Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) must

reflect the legitimate aspirations of all Guatemalans and lead to institutional measures and the proposal of constitutional reforms to the Congress of the Republic, within the framework and in the spirit of the Political Constitution of the Republic of Guatemala and the Oslo, El Escorial and Mexico Agreements.

Accordingly, the Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG),

AGREE:

I. That the strengthening of functional and participatory democracy requires:

(a) The pre-eminence of civilian society;

(b) The development of democratic institutions;

(c) The effective functioning of a State subject to the rule of law;

(d) The permanent elimination of political repression, electoral fraud and coercion, military abuses and pressures, and anti-democratic, destabilizing actions;

(e) Unconditional respect for human rights;

(f) Subordination of the role of the armed forces to civilian authority;

(g) Recognition of and respect for the identity and rights of indigenous peoples;

(h) Access by all Guatemalans to the benefits of national production and natural resources, and enjoyment thereof, which must be based on principles of social justice;

(i) Effective resettlement of populations uprooted by the internal armed conflict.

II. That democratization means guaranteeing and promoting participation, whether direct or indirect, by civilian society in general in the formulation, implementation and evaluation of government policies at the various levels of government, recognizing the right of all social groups in the nation to enjoy fair and equitable labour relations, their own forms of culture and organization, and full respect for human rights and the law.

III. That this Agreement must be disseminated widely to the people of Guatemala and, in particular, to the sectors which took part in the dialogue at the meetings held under the Oslo Agreement and the National Dialogue, and

that they must be informed by the Conciliator in order to ensure that the Agreement is duly understood.

IV. This Agreement shall be placed on record and form part of the Agreement on a firm and lasting peace, and shall serve as a framework for considering the other items to be negotiated, taking into account the particular aspects and specific concerns relating to each one.

Querétaro, Mexico, 25 July 1991

FOR THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA

(Signed) Manuel CONDE ORELLANA
Secretary-General of the Presidency of the Republic

(Signed) Fernando HURTADO PREM
Minister of the Interior

(Signed) Brigadier General
Mario René ENRIQUEZ MORALES
Commander of the Military Brigade Guard of Honour

(Signed) Staff Colonel
Marco A. GONZALEZ TARACENA
Director of Intelligence of the National Defence Staff

(Signed) Rubén Amílcar BURGOS SOLIS
Special Counsellor to the Presidency of the Republic

(Signed) Manolo BENDFELDT ALEJOS
Minister of Urban and Rural Development

(Signed) Brigadier General
José D. GARCIA SAMAYOA
Deputy Chief of the National Defence Staff

(Signed) Staff Colonel
Julio A. BALCONI TURCIOS
Commander of the Mobile Military Police

(Signed) Ernesto VITERI ECHEVERRIA
Special Counsellor to the Presidency of the Republic

(Signed) José Luis ASENSIO AGUIRRE
Adviser to the President of the Republic

FOR THE UNIDAD REVOLUCIONARIA NACIONAL GUATEMALTECA (URNG)

General Command

(Signed) Commander Gaspar ILOM

(Signed) Commander Pablo MONSANTO

(Signed) Commander Rolando MORAN

Political and Diplomatic Commission

(Signed) Francisco VILLAGRAN MUÑOZ

(Signed) Luis BEKKER GUZMAN

(Signed) Miguel Angel SANDOVAL

(Signed) Mario CASTAÑEDA
Adviser

FOR THE NATIONAL RECONCILIATION COMMISSION

(Signed) Teresa BOLAÑOS DE ZARCO

(Signed) Alfonso CABRERA HIDALGO

(Signed) Mario PERMUTH LISTWA

(Signed) Oliverio GARCIA RODAS

(Signed) Monsignor Rodolfo QUEZADA TORUÑO
Conciliator
Chairman of the National Reconciliation Commission

FOR THE UNITED NATIONS

(Signed) Francesc VENDRELL
Representative of the Secretary-General
of the United Nations